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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,591	07/27/2001	Fred C. Redeker	004563/3/CMP/CMP	2013

7590

03/14/2002

Patent Counsel
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EXAMINER

ROMAN, ANGEL

ART UNIT

PAPER NUMBER

2812

DATE MAILED: 03/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/918,591

Applicant(s)

REDEKER ET AL.

Examiner

Angel Roman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07/27/01 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 13 recites the limitation "the second polishing station" in line one. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

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consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over International Publication WO 01/46684 A1 by Lehman et al. (hereinafter Lehman).

Lehman discloses a method of chemical mechanical polishing (CMP) a metal layer on a substrate, comprising; polishing the substrate at a first polishing station with a first polishing surface at a first polishing rate (see page 2, lines 6-13-page 22, lines 3-9); monitoring polishing at the first polishing station with an eddy current monitoring system; reducing the polishing rate at the first polishing station when the eddy current monitoring system indicates that a predetermined thickness of the metal layer remains on the substrate; monitoring polishing at the first polishing station with an optical monitoring system (see page 27, lines 20-24-page 28, lines 1-15); and halting polishing (endpoint) when the optical monitoring system indicates that a first underlying layer is at least partially exposed (see page 2, lines 11-18- page 7, lines 14-22).

Lehman is applied as above but lacks anticipation on performing CMP processes in different polishing stations, disclosing a correlation of the pressure parameters used during polishing, and on buffing a substrate surface on a third polishing station.

With respect to performing CMP processes in different polishing stations, it would have been obvious to a person having ordinary skills in the art at the time the invention was made to disclose performing CMP processes in different polishing stations in the primary reference of Lehman since it is conventional in the art to perform CMP processes in different polishing stations where CMP endpoint detection is desired,

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Furthermore, using different polishing stations to perform polishing processes is only considered routine optimization of the process disclosed by Lehman, therefore it would have been obvious to a person having ordinary skills in the art at the time the invention was made to perform the polishing process disclose by Lehman in different polishing stations for the reasons given above.

Regarding disclosing a correlation of the pressure parameters used during polishing, a specific higher pressure claimed by applicant, is only considered to be the "optimum" pressure value of the process disclosed by the Prior Art that a person having ordinary skill in the art would have been able to determine using routine experimentation based, among other things, on the desired accuracy, manufacturing costs, etc. (see In re Boesch, 205 USPQ 215 (CCPA 1980)), and since neither non-obvious nor unexpected results, i.e., results which are different in kind and not in degree from the results of the prior art, will be obtained as long as a conventional pressure range is used as already suggested by the Prior Art.

With respect to buffing a surface of a substrate, it would have been obvious to one having ordinary skills in the art at the time the invention was made to disclose buffing a surface of a substrate at a third polishing station in the primary reference of Lehman since buffing a surface of a substrate after a polishing process is conventional in the art.

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Conclusion


7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sandhu discloses a method of detecting the end point of a CMP process using a photo sensor. Li et al discloses a method of end point detection of a CMP process using an eddy current detector. Hasegawa et al. discloses methods of detecting an end point of a CMP process using one or more measuring systems.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel Roman whose telephone number is (703) 306-0207. The examiner can normally be reached on Monday-Friday 8:30am-6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Niebling can be reached on (703) 308-3325. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1782.

AR
March 8, 2002


John F. Niebling
Supervisory Patent Examiner
Technology Center 2800